

Message Text

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ACTION EB-08

INFO OCT-01 CIAE-00 COME-00 DODE-00 NSAE-00 ICA-11
TRSE-00 EUR-12 DOE-15 ISO-00 SOE-02 L-03 /052 W
-----105181 162030Z /14
R 161843Z JUN 78
FM AMEMBASSY PARIS
TO SECSTATE WASHDC 3415

C O N F I D E N T I A L SECTION 01 OF 02 PARIS 19326

EXCON

E.O. 11652: XGDS-1
TAGS: ESTC, COCOM, FR
SUBJ: U.S. STRETCH FORM PRESS TO USSR -- IL 1081
(CYRIL BATH CASE)

1. SUMMARY: MINECON AND EMBASSY OFFICER MET WITH QUAI OFFICIAL FOLLIN, JUNE 15, TO DISCUSS CYRIL BATH CASE. WE EXPLAINED U.S. GOVERNMENT IS UNDER PRESSURE TO ALLOW EXPORT AND FACES POSSIBLE LEGAL ACTION BY CYRIL BATH IF EXPORT LICENSE DENIED. WE ASKED WHETHER FRENCH AUTHORITIES COULD GIVE US NECESSARY TECHNICAL DATA ON BILATERAL BASIS IF THEY CANNOT DO SO IN COCOM. MINISTRY OFFICIAL STATED ACB-LOIRE PRODUCTION IS UNDER WAY WITH PROBABLE OCTOBER DELIVERY DATE. FRENCH GOVERNMENT COULD NOT, IN ANY CASE, STOP SHIPMENT. HE SAID HE WOULD INQUIRE TO SEE IF THERE WERE ANYTHING THE FRENCH GOVERNMENT COULD DO ON OUR REQUEST. HE WOULD HOPE TO CONTACT US SHORTLY BUT COULD GIVE NO COMMITMENT AS TO THE ANSWER. END SUMMARY.

2. MINECON AND EMBASSY OFFICER MET WITH FOLLIN, APROPRIATE DEPUTY DIRECTOR IN QUAI, ON JUNE 15, TO DISCUSS CYRIL BATH CASE. ALSO PRESENT, IN HIS MINISTRY OF FOREIGN AFFAIRS ROLE, WAS FRENCH COCOM DELEGATE
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COMBLES DE NAYVES. (D'AUMALE, WHO IS FOLLIN'S SUPERIOR AND WHOM WE WOULD NORMALLY HAVE APPROACHED, HAS BEEN OUT FOR SEVERAL MONTHS DUE TO AN ACCIDENT.)

3. WE OPENED DISCUSSION WITH BRIEF, STRAIGHTFORWARD SUMMARY OF SUBJECT CASE. WE NOTED THAT THERE HAD BEEN MANY DISCUSSIONS OF THE CYRIL BATH CASE AT THE COCOM

LEVEL BUT THAT THESE DISCUSSIONS HAD NOT BEEN SUCCESSFUL
IN RESOLVING THE PROBLEM. FOR THIS REASON, WASHINGTON
HAD ASKED THE EMBASSY TO TAKE THE MATTER UP BILATERALLY
TO TRY TO FIND A SOLUTION.

4. WE EXPLAINED THAT THE U.S. GOVERNMENT IS UNDER
GREAT PRESSURE TO ALLOW THIS EXPORT. INFORMATION
RECEIVED THUS FAR FROM THE FRENCH AUTHORITIES ON THE
ACB-LOIRE PRESSES WAS NOT SUFFICIENTLY COMPLETE OR
PRECISE FOR U.S. EXPERTS TO DISTINGUISH BETWEEN THE
FRENCH AND U.S. MACHINES. BLUEPRINTS OR OTHER DETAILED
INFORMATION WOULD BE NECESSARY IN ORDER TO SO
DISTINGUISH. WE ALSO SAID THAT THE U.S. GOVERNMENT IS
FACED WITH THE POSSIBILITY OF LEGAL ACTION BY THE CYRIL
BATH COMPANY IF AN EXPORT LICENSE IS DENIED WITHOUT
CONVINCING EVIDENCE THAT THE FRENCH PRESSES DIFFER
SUBSTANTIALLY FROM THE CYRIL BATH PRESS AND ARE NOT
SUBJECT TO EMBARGO UNDER ITEM 1081.

5. FOLLIN REPLIED THAT HIS GOVERNMENT HAD BEEN MADE
UNCOMFORTABLE AND PUT IN AN AWKWARD POSITION BY THE
MANNER IN WHICH THE CYRIL BATH CASE HAD BEEN PURSUED.
HE STATED THAT THE CONTRACT BETWEEN ACB-LOIRE AND
AVTOPROIMPORT (THE SOVIET IMPORTER) HAD BEEN SIGNED

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C O N F I D E N T I A L SECTION 02 OF 02 PARIS 19326

EXCON

WELL BEFORE THE ISSUE WAS RAISED IN COCOM. HE STATED THAT THE FRENCH GOVERNMENT IS NOT PREPARED TO SAY THAT IT WAS WRONG IN ISSUING THE LICENSE(S), WHICH HE ADDED IS OF COURSE NOT THE CASE. IN ANY CASE, IT COULD NOT STOP THE EXPORT WHICH IS A \$12 MILLION SALE FOR THE FRENCH COMPANY. THE FRENCH GOVERNMENT HAD ALREADY ISSUED THE NECESSARY EXPORT LICENSE(S) BEFORE THE CYRIL BATH QUESTION CAME UP. MOREOVER, PRODUCTION IS NOW WELL UNDER WAY, WITH A PROBABLE OCTOBER DELIVERY DATE.

6. WE ASKED OLLIN WHETHER FAILURE TO FURNISH BLUE-PRINTS AND/OR OTHERWISE PROVIDE GREATER TECHNICAL SPECIFICITY ON THE ACB-LOIRE PRESSES WAS DUE TO COMMERCIAL SECRECY, OR A MATTER OF PRINCIPLE ON THE PART OF THE FRENCH GOVERNMENT, OR BOTH. HE AND DE COMBLES DID NOT REPLY DIRECTLY TO THIS QUESTION. DE COMBLES SIMPLY STATED THAT IT IS THE TRADITIONAL PRACTICE IN COCOM TO FURNISH BROCHURES OR OTHER DETAILED TECHNICAL DATA ONLY IN CASES WHERE AN EXCEPTION REQUEST HAS BEEN MADE. BUT FRANCE HAS OF COURSE NOT SUBMITTED ANY SUCH REQUEST.

7. WE ASKED FOLLIN IF IT WOULD BE POSSIBLE FOR THE
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FRENCH GOVERNMENT TO SUPPLY THE BLUEPRINTS FOR THE ACB-LOIRE PRESSES TO THE U.S. GOVERNMENT ON A PURELY BILATERAL BASIS AND COMPLETELY OUTSIDE THE COCOM CONTEXT. FOLLIN STATED HE WOULD MAKE INQUIRIES WITHIN HIS GOVERNMENT TO SEE IF THERE WERE ANY FURTHER STEPS FRENCH AUTHORITIES WERE PREPARED TO TAKE AND THAT HE WOULD HOPE TO CONTACT US SHORTLY. BUT HE COULD MAKE NO COMMITMENT WHATSOEVER.

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